

REMARKS

Reconsideration and allowance are respectfully requested in view of the foregoing remarks.

Claims 1-30 are pending in this application.

Claims 31-36 (31-35 per the Examiner's correct renumbering) have been canceled without traverse.

Regarding the Claim Rejections

The numbering of the claims were objected to because they were not in accordance with 37 C.F.R. § 1.126. Applicant had incorrectly numbered claims 35 and 36. Applicant respectfully submits that this objection has become moot because originally filed claims 35 and 36 (renumbered claims 34-35) have been canceled due to the election of Group I in the restriction requirement. Applicant respectfully requests that the claim objections be withdrawn.

Regarding the Restriction required under 35 USC § 121

Applicant has elected to restrict this application to Group I, claims 1-30, drawn to a flexible circuit classified in class 174, subclass 254.

Applicant respectfully agrees with the Examiner that the Group I and II inventions are distinct from each other because in the instant case, the capillary in the invention of Group I could be formed by hollowing out a single board as opposed to the method claimed in the invention of Group II.

The Examiner indicated that if Group I was chosen, an election of species is required.

Regarding the Election of Species for Group I

Applicant respectfully elects species "i) wherein the pathway is a capillary for transporting a fluid."

Applicant respectfully submits that claims 1, 2, 8-17, and 22-30 are generic claims because none of these claims prohibit the pathway from being used for any one of a capillary for transporting fluid, an electrical lead, or an optical fiber.

Applicant respectfully indicates that the elected species "i) wherein the pathway is a capillary for transporting a fluid" is read-on by originally filed claims 1-3, 8-18, and 22-30.

Applicant's election of Group I and species I, along with the indication of the generic claims and the claims that read-on the elected species, are believed to establish a fully responsive reply to the Examiner's office action dated January 14, 2004.

Having completely responded to the present Office Action, Applicant respectfully requests that a Notice of Allowance be issued on the merits of all the present claims.

Dated: Feb 18, 2004

Respectfully submitted,

By 

Steven R. Greenfield

Registration No.: 38,166

JENKENS & GILCHRIST, A PROFESSIONAL
CORPORATION

1445 Ross Avenue, Suite 3200

Dallas, Texas 75202

(214) 855-4500

(214) 855-4300 (Fax)